IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A. O. No. 1019 of 1987

Date of decision: March 7 , 2007.

Lachhman and another **.....Appellants.**

Vs.

Jagir and others

......Respondents.

Present: Mr.Azad Singh, Advocate for the appellants.
Mr. Jitender Chauhan, Addl. Advocate General, Haryana
for the respondent-State.

JUDGMENT

M.M.Aggarwal, J.

Claimants Lachhman and Phoolpati, who happens to be parents of deceased Rajinder, were awarded Rs.30,000/- as compensation on account of death of Rajinder in motor accident having taken place on 1.1.1987.

The deceased Rajinder was unmarried boy of about 20 years.

According to the appellants, the amount awarded had been totally inadequate. The deceased was earning Rs.2000/- per month from agriculture by cultivating his own land. He was a young boy and would have contributed to the parents throughout remaining life of the parents and MACT, Bhiwani had erred in assessing income of the deceased at Rs.500/- per month and

dependency Rs. 250/- and by just applying the multiplier of 10. In fact the dependency should have been treated at Rs.1000/- per month and multiplier of 18 should have been applied.

The vehicle in question was owned by the respondent-Haryana State. It was pointed out by counsel for the respondent-Haryana Sate that Lachhman Dass was already 75 years and in this case, the MACT had awarded adequate compensation.

The accident had taken place on 1.1.1987. However, appeal for enhancement of compensation is pending in this Court and during the pendency of the appeal, even minimum compensation under no fault liability clause has been raised to Rs.50,000/-

This case pertains to the death of a young boy, aged 20 years. The MACT, Bhiwani had assessed earning of deceased at Rs.500/- per month and had assessed dependency at Rs.250/- and applied multiplier of 10. Since Rajinder was a young boy, he must be spending almost all his income on his parents. If the dependency is taken at Rs.500/-per month and multiplier of 10 is applied, even then compensation amount will come to Rs.60,000/-

In the facts and circumstances of the case, I am of the view that Rs.60,000/- would be just and fair compensation.

This appeal is allowed accordingly. The claimant-appellants shall be entitled to Rs.60,000/- as compensation. The enhanced compensation shall be payable with interest at the rate of 6% per annum from the date of petition till amount is paid.

(M.M.Aggarwal)
Judge

March 7, 2007
raghav